

Appl. No. : 10/705,259
Filed : November 10, 2003

REMARKS

Claims 1-3, 6-8, and 10-21 stand rejected. Applicant previously canceled Claims 4, 5, and 9. By this paper, Applicant has amended Claims 1, 7, 8, 11, and 12 and added dependent Claim 22. Thus, Claims 1-3, 6-8, and 10-22 are pending in the application and are presented for examination in view of the amendments and the following remarks.

Rejection under 35 U.S.C. § 103(a) over Hutson (U.S. Patent No. 5,755,225)

The Examiner rejected independent Claims 1, 7, 8, 11, and 12 as being unpatentable over U.S. Patent No. 5,755,225 to Hutson. The rejected claims include an adhesive spot element which is not disclosed in Hutson. However, the Office Action cites Hutson for disclosing a liner that “would functionally act the same way” as the adhesive spot element. Applicant has amended Claim 1 to more clearly define the adhesive spot element. Amended Claim 1 recites, *inter alia*, an “adhesive spot being disposed upon the channel so as to form an adhesive bond with the medical article to provide an adhesive force in at least a transverse direction when the medical article is in contact with the adhesive spot.” At least this feature is not disclosed in or taught by the applied reference. Similar amendments have been made to Applicant’s other independent claims.

Hutson relates to a tube-retaining clamp for holding a medical tube in a fixed position on a patient’s body. The clamp includes a pair of arcuate, slightly resilient arms 17 and 18 (see Figure 3). The arms 17 and 18 are pivotally connected together so as to be movable between an open tube-receiving position and one of two closed positions (see Figures 3-5). “The arms 17 and 18 preferably have attached inner liners 31 and 32 formed of rubber or other textured material which frictionally engages the tube to further restrict sliding of the tube within the clamp 15.” (see Col. 3, lines 39-43; emphasis added). Hutson describes using a slip-resistant inner liner such as rubber. (Col. 2, line 13; Col. 3, line 41; Col. 5, line 16; Col. 6, line 5). Consistent with Hutson specifying a slip-resistant structure for the inner liner, Hutson details that the inner liner frictionally engages the tube. (Col. 2, line 11; Col. 3, line 42; Col. 5, line 14; Col. 6, line 3). Hutson is silent on using materials that provide an adhesive force in a transverse direction normal to the direction of frictional engagement. Hutson only speaks to the inner liners restricting sliding movement of the tube within the clamp. (see Col. 1, line 44; Col. 3, lines 43 and 59). However, by relying solely upon textured materials such as rubber, the inner liners in Hutson do

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not form an adhesive bond with the medical article that provides an adhesive force in a transverse direction.

Unlike the inner liners disclosed in Hutson, the adhesive spot recited in Claim 1 provides an adhesive force in a transverse direction so as to adhere the medical article to the retainer. As such, the adhesive spot resists upward or transverse movement of a retained medical article even when the cover is in the open position. Applicant's specification defines the "transverse direction" as referring to a direction substantially parallel to the "transverse axis". (see paragraph 0037). The same paragraph of Applicant's specification defines the "transverse axis" as extending normal to both the longitudinal and lateral axes. The longitudinal axis is generally parallel to the retained section of the catheter while the lateral axis is generally parallel to the plane of the anchor pad. (see paragraph 0037 and Figure 1).

Accordingly, Hutson does not teach or suggest the structure recited by amended Claims 1. Independent Claims 7, 8, 11, and 12 are distinguishable on a similar basis. Therefore, Applicant respectfully requests reconsideration of these amended Claims.

Claims 2, 3, 6, 10, and 13-22 depend directly or indirectly from one of Claims 1, 7, 8, 11, and 12 and, thus, are patentable for at least the same reasons that the claims from which they depend are patentable over the art of record. In addition, these depend claims also recite additional subject matter that further supports the patentability of these claims. Therefore, allowance of Claims 1-3, 6-8, and 10-22 is respectfully requested.

New Claim 22 Has Been Added

New dependent Claim 22 has been added. Support for the new claims can be found at least beginning at paragraph 0083. Applicant submits that this claim is patentable for at least the reasons that the claim from which it depends is patentable. Consideration of this claim is respectfully requested.

CONCLUSION

Applicant respectfully requests that the Examiner enter each of the foregoing amendments and move the application to allowance. If the Examiner has any question or requires further information, please call the undersigned directly.

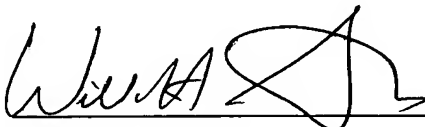
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11 1410.

Respectfully submitted,

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